

H. B. No. 402, A bill to be entitled "An Act declaring it unlawful for any person to sell, take or have in his possession for barter or sale after the passage of this Act, for a period of five (5) years, any wild fox or the pelts thereof in the County of Houston, State of Texas, and providing a penalty therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIVERS, Chairman.

#### FORTY-SECOND DAY (Continued).

Senate Chamber,  
Austin, Texas,  
March 26, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

#### S. J. R. No. 18.

Pending business was the substitute amendment by Senator Hill for the amendment offered by Senator Poage to S. J. R. No. 18.

#### Point of Order.

Senator Hill raised the point of "no quorum."

A roll call was ordered.

The roll call disclosed a quorum present.

#### S. J. R. No. 18.

Senator Hill moved the adoption of the substitute amendment to S. J. R. No. 18.

#### Motion to Table.

Senator Cotten moved to table the substitute amendment by Senator Hill.

The motion to table prevailed by the following vote:

#### Yeas—20.

Beck.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hornsby.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.

#### Nays—5.

Blackert.	Hill.
Burns.	Holbrook.
DeBerry.	

#### Absent.

Hopkins.	Small.
Poage.	

#### Absent—Excused.

Fellbaum.	Martin.
Hughston.	

Senator Oneal sent up the following amendment:

Amend S. J. R. No. 18, as amended, by adding at the end of Section One thereof the following:

"and shall in no one year exceed the sum of One Hundred and Fifty (\$150.00) Dollars for any such person."

ONEAL.

Read.

#### Motion to Table.

Senator Cotten moved to table the amendment by Senator Oneal.

The motion prevailed by the following vote:

#### Yeas—13.

Beck.	Regan.
Cotten.	Sanderford.
Hornsby.	Shivers.
Moore.	Stone.
Pace.	Sulak.
Rawlings.	Van Zandt.
Redditt.	

#### Nays—13.

Blackert.	Holbrook.
Burns.	Neal.
Collie.	Oneal.
Davis.	Poage.
DeBerry.	Westerfeld.
Duggan.	Woodruff.
Hill.	

#### Absent.

Hopkins.	Small.
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#### Absent—Excused.

Fellbaum.	Martin.
Hughston.	

The Chair voted "aye" to table.

The question recurred on the adoption of the amendment by Senator Poage.

The amendment was adopted by viva voce vote.

Senator Burns sent up the following amendment:

Amend S. J. R. No. 18, by striking out all below the resolving clause and substitute the following to wit:

"Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a new section to be known as Section 51-b, which shall read as follows:

"Section 51-b. The Legislature shall have the power to provide a system of old age pensions under such requirements and regulation as the Legislature may deem expedient; provided, that no such pension shall ever be paid to any person under the age of 65 years, nor to any person who has ever been convicted of a felony in any State or Federal court, nor to any person who owns property of any kind, real, personal, or mixed, of the value of two thousand dollars (\$2,000) or more, and the Legislature shall have the power to impose such other limitations and make such other classifications as it may deem expedient; provided, that the State of Texas shall never pay more than thirty dollars (\$30) per month as such pension to any one person, but that nothing herein will prevent the United States from paying an equal or greater sum to the same person or persons; and provided that the State of Texas shall never issue any bonds to provide funds for the payment of such old age pensions; and the inhibition of Section 6 of Article XVI shall not apply to such system of old age pensions."

Sec. 2. The foregoing constitutional amendment shall be submitted to the electors of the State of Texas on the 24th day of August, 1935, at which election there shall be printed on such ballot the following clause:

"For the amendment giving the Legislature the power to provide a certain system of old age pensions for persons 65 years of age, or older, not to exceed \$30 per month;" and

"Against the amendment giving the Legislature the power to provide a certain system of old age pensions for persons 65 years of age, or older, not to exceed \$30 per month."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same printed as required by the Constitution and Laws of this State.

Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury of the State not otherwise appropriated to pay the expenses of said publication and election.

BURNS,  
HOLBROOK,  
HILL.

#### Point of Order.

Senator Cotten raised the point of order that the amendment was not germane to the resolution.

The Chair sustained the point of order, stating that the amendment was too all embracing.

#### Privileged Motion.

Senator Redditt was recognized for a privileged motion.

#### House Bill No. 494.

Senator Redditt moved that the Senate grant the request of the House for the appointment of a conference committee to adjust the differences between the two Houses on H. B. No. 494.

The motion prevailed by viva voce vote.

#### Conference Committee Appointed.

The Chair appointed the following Senators as conferees on the part of the Senate on H. B. No. 494: Senators Redditt, Hornsby, Neal, Sanderford and Sulak.

#### S. J. R. No. 18.

Senator Oneal sent up the following amendment:

Amend S. J. R. No. 18, as amended, by adding at the end of Section One thereof the following:

"and shall in no one year exceed the sum of One Hundred and Eighty (\$180.00) Dollars for any such person."

DeBERRY.

Read.

The amendment by Senator DeBerry was adopted by the following vote:

Yeas—15.

Beck.	Duggan.
Blackert.	Hill.
Burns.	Holbrook.
Collie.	Neal.
Davis.	Oneal.
DeBerry.	Regan.

Sulak.  
Westerfeld.

Woodruff.

Nays—12.

Cotten.	Redditt.
Hornsby.	Sanderford.
Moore.	Shivers.
Pace.	Small.
Poage.	Stone.
Rawlings.	Van Zandt.

Absent.

Hopkins.

Absent—Excused.

Fellbaum.	Martin.
Hughston.	

Senator Holbrook sent up the following amendment:

Amend S. J. R. No. 18 by adding:  
Provided however that this amendment shall not apply to those teachers who have drawn salaries exceeding \$3600.00 annually for a period of five or more years, immediately preceding the time when said beneficiaries may become eligible for pension.

HOLBROOK.

Motion to Table.

Senator Cotten moved to table the amendment by Senator Holbrook.

The motion to table prevailed by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on the motion to table.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, March 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 494, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following conferees are appointed on the part of the House:

Tillery, Glass, Tarwater, Bradbury, Dunlap of Hays.

The House has passed the following bills and resolutions:

H. B. No. 720, A bill to be entitled "An Act ratifying the Interstate Compact made by the Governor of Texas with the Governors and their representatives of other oil-producing States at Dallas, Texas, on February 16, 1935; providing that same shall be effective in accordance with the terms thereof; providing for a representative to the Interstate Oil Compact Commission; providing for withdrawal by the State from such compact, making an appropriation, and declaring an emergency."

H. B. No. 782, A bill to be entitled "An Act providing for the conservation of the oil and gas resources of the State of Texas and for the prevention of the waste thereof; providing means of making effective and enforcing the oil and gas conservation laws of this State and Title 102, Revised Civil Statutes, 1925, as amended; defining terms; specifically defining and prohibiting waste; empowering and directing the Railroad Commission of Texas to make and enforce such rules, regulations or orders as may be necessary to conserve such oil and gas resources and prevent their waste; etc., and declaring an emergency."

H. J. R. No. 19, Proposing an amendment to Article III of the Constitution of the State of Texas by adopting a new section to be known as Section 51b, which shall provide that the Legislature shall have the power to cooperate with the United States of America in providing for and paying an old age pension to actual bona fide citizens of Texas over the age of sixty-five years who have not been convicted of a felony within ten years next prior to the granting of such pension and who have never been convicted of being an habitual criminal, etc.

Respectfully submitted,

A. C. DUNN, Acting  
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 460, H. B. No. 230.

**Senator Excused.**

Senator Martin was excused for the day on account of important business on motion of Senator Blackert.

**Bill Referred.**

H. B. No. 782, referred to the Committee on State Affairs.

**Motion to Recess.**

Senator Woodruff at 11:55 o'clock a. m., moved that the Senate recess until 2:00 o'clock p. m. today.

Pending.

**Request to Suspend Regular Order.**

Senator Moore asked unanimous consent to suspend the regular order of business to take up and pass a local bill.

Unanimous consent was granted.

**Senate Bill No. 465.**

The Chair laid before the Senate the following bill:

By Senator Moore:

S. B. No. 465, A bill to be entitled "An Act to provide that in all counties having a population of 350,000 or more, according to the last preceding Federal census, upon petition of one hundred and fifty or more of the qualified voters of such county, the county judge of such county shall order an election for the purpose of submitting to the qualified voters of such county the question of whether or not a tax for school purposes not to exceed one cent on the one hundred dollars valuation of taxable property in such counties shall be levied, assessed and collected for an equalization fund for the purpose of equalizing educational opportunities in such counties, and for the payment of administration expenses;

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 465 was put on its second reading by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum.	Martin.
Hughston.	

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 465 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum.	Martin.
Hughston.	

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.

Poage.	Small.
Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Fellbaum.	Martin.
Hughston.	

#### Senate Bill No. 324.

Senator Oneal received unanimous consent to suspend the regular order of business and to take up out of regular order S. B. No. 324.

The Chair laid before the Senate on its second reading the following bill:

By Senator Oneal:

S. B. No. 324, A bill to be entitled "An Act prohibiting any person from catching, retaining or having in his possession any channel catfish or blue catfish which are less than eleven inches in length or to catch or retain or have in his possession in any one day a total aggregate of more than twenty of such fish taken from any of the waters described in Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and providing a maximum number of hooks that may be used on any trot line and the minimum distance of said hooks from each other on said line; and providing the minimum distance from each other that any trot lines may be set and the number of trot lines that any party composed of any two or more persons may set or use at the same time in the waters described in said Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and defining what is meant by the word 'party' as used in this Act, and declaring an emergency."

The committee substitute was adopted.

The bill was read second time as substituted and passed to engrossment by viva voce vote.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 324 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.	Martin.
Hughston.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum.	Martin.
Hughston.	

#### House Bill No. 556.

Senator Pace received unanimous consent to suspend the regular order of business and take up the following House Bill:

The Chair laid before the Senate:

By Mr. Broyles, Mr. Colquitt, and Mr. Morrison:

H. B. No. 556, A bill to be entitled "An Act changing the time of holding the terms of the district court in the Eighty-sixth Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in counties composing said district, together with

jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 556 was put on its second reading by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum.	Martin.
Hughston.	

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 556 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Hornsby.
Blackert.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.

Small.	Van Zandt.
Stone.	Westerfeld.
Sulak.	Woodruff.

**Absent—Excused.**

Fellbaum.	Martin.
Hughston.	

Read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Fellbaum.	Martin.
Hughston.	

**Adjournment.**

Senator Pace as a substitute moved that the Senate adjourn until 10:00 a. m. Wednesday.

The motion to adjourn prevailed by the following vote:

**Yeas—16.**

Blackert.	Rawlings.
Burns.	Regan.
Cotten.	Sanderford.
Davis.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Moore.	Sulak.
Pace.	Van Zandt.

**Nays—9.**

Beck.	Neal.
Collie.	Redditt.
DeBerry.	Westerfeld.
Hill.	Woodruff.
Hornsby.	

**Absent.**

Duggan.	Poage.
Oneal.	

**Absent—Excused.**

Fellbaum.	Martin.
Hughston.	

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, March 26, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 9 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

**Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, March 25, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 460 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, March 26, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 569, A bill to be entitled "An Act authorizing the Commissioners Court in the county or counties containing twenty-two thousand, two hundred and ninety-six (22,296) and not more than twenty-two thousand, five hundred and eighty (22,580) inhabitants, according to the last Federal census to purchase out of certain funds of the county, not to exceed Seven Hundred and Fifty Dollars (\$750), one truck or pick-up for each commissioner precinct to be used in said precinct in the official duty of commissioner or commissioners, providing that said truck or pick-up shall not be used by commissioner, commissioners, or anyone else for personal business or pleasure trips, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Vice-Chairman.

Committee Room,  
Austin, Texas, March 25, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 334, A bill to be entitled "An Act creating a conservation and reclamation district composed of the counties of Coke and Tom Green, to be known as the Upper Colorado River Authority, pursuant to and for the purposes set forth in Section 59a of Article 16, of the Constitution of the State of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment.

REGAN, Chairman.

**Committee Amendment.**

Amend S. B. No. 334 by adding a new section following Section 23 and to be numbered Section 23-A to read as follows:

"Sec. 23-A. None of the money hereby donated and granted by and through tax remission to the Upper Colorado River Authority shall be made available to the said Authority as herein provided for unless and until said Authority shall have first received from the United States of America a loan and/or grant and/or advancement of sufficient size to reasonably insure the completion of the improvement herein provided as may be approved by the Board of Water Engineers of the State of Texas, such approval to be certified to the Comptroller of this State; provided, however, that a legally binding commitment from the United States of America for such loan and/or grant and/or advancement shall be construed as the receiving thereof; such grant and/or loan and/or advancement to be for the purposes for which this said Authority was created and in accordance with the provisions of this Act.

Committee Room,  
Austin, Texas, March 26, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 556, A bill to be entitled "An Act changing the time of holding the terms of the District Court in the Eighty-sixth Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of District Court in counties composing said district, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 456, A bill to be entitled "An Act amending Subdivision 63, of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, providing for the terms of court in the Sixty-third Judicial District and the time of holding of same; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 26, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 416, A bill to be entitled "An Act amending Chapter 3, Title 78, Revised Civil Statutes of Texas, 1925, by adding a new Article to be known as Article 4764c, to provide that no portion of the net premium collected upon any policy issued or delivered in this State shall ever be used or applied for the payment of any expenses of the Company, repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

COLLIE, Chairman.

#### Committee Amendment.

Amend S. B. No. 416 by striking out the last sentence in Article 4764c in Section 1 of the bill.

#### Minutes of Committee Meetings.

Minutes of Committee on Insurance,  
Held March 26, 1935.

#### Regular Meeting.

Present: Collie, Cotten, DeBerry, Holbrook, Moore, Pace, Shivers, Sulak, Westerfeld, Woodruff.

Absent: Poage, Rawlings.

S. B. No. 416 was reported favorably, with amendment, by viva voce vote.

S. B. Nos. 414, 415 and 417 were set for special order Thursday, March 28, at 4:00 p. m., on motion of Senator Pace.

Senator Woodruff moved that the committee reconsider the vote by which it reported favorably to the Senate, S. B. No. 147, with recommendation that it do pass.

Senator Holbrook raised the point of order that S. B. No. 147 had already passed out of the committee and is now before the Senate, and could not be reconsidered by the committee as the Senate had refused to recommit the bill to the committee.

The Chair sustained the point of order.

ANNA MAY CULLEN,  
Secretary.

#### FORTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
March 27, 1935.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hughston.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Burns.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)